

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-766

June 12, 2003

TDS LONG DISTANCE CORPORATION,
Request for Waiver of Sections 13 and 10
of Chapter 292

ORDER GRANTING
WAIVER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

SUMMARY

This Order approves the Request for Waiver of Chapter 292, Section 13(A) submitted by TDS Long Distance Corporation to provide written notice of its intent to suspend or terminate long distance and other non-local services at least fourteen days in advance of the suspension or termination date stated on the notice instead of including a recorded message on a customer's suspended or disconnected line.

BACKGROUND

TDSLID is an interexchange carrier that resells intrastate, interstate, and international long distance service. TDS Telecom is an ETC doing business in Maine under the names of Cobbosseecontee Telephone Company, Hampden Telephone Company, Hartland & St. Albans Telephone Company, Island Telephone Company, Somerset Telephone Company, Warren Telephone Company, and West Penobscot Telephone Company. TDS Telecom includes billing on behalf of TDSLID on its bills for local service.

On December 9, 2002, TDS Long Distance Corporation (TDSLID) filed a request for waiver from Chapter 292, Sections 10(A)(7) and 13(A).

Section 10(A)(7) requires that an IXC include the closing dates of the current billing cycle and the outstanding balance in each billed account on that date, specifying the current amount due and the amount past due. TDSLID stated it would require extensive and costly programming to comply with this requirement and that its bills currently contain a summary section that shows the current and past due amounts for all services billed.

Section 13(A) requires that an IXC include a recorded message on a customer's suspended or disconnected line that informs the customer that the service was suspended or terminated, provides a toll-free number to reach the IXC, and informs the customer of the ability to complete toll calls using another carrier's dial-around service or a prepaid calling card. TDSL D said that it is unable to comply with this requirement because it is a toll reseller and does not own the equipment necessary to comply with this section.

Commission Staff discussed both exemption requests with TDSL D on January 30, 2003. TDSL D misinterpreted Section 10(A)(7), to require a separate bill for toll service be provided in addition to the bill for basic service. TDS Telecom does all billing for TDSL D, and its bill separately lists toll, current charges, and past due charges. Staff explained that by virtue of the ETC bill providing the billing period and separately stating the current and past due charges, TDSL D was in compliance with this provision of the rule. TDS agreed to rescind its request for exemption from Section 10(A)(7). In addition, Staff asked TDSL D to provide information about how it would notify customers of a pending disconnection of their toll service and of the customer's option to retain their toll and optional services. Staff confirmed the January 30, 2003 conversation in writing on February 10, 2003.

On February 27, 2003, TDSL D rescinded its request for exemption from the provisions of Chapter 292, Section 10(A)(7) and provided a draft of the written notice information that it proposed to provide to customers instead of the recorded message required under Section 13(A). The notice advises the customer of the past due amount for toll and other optional services, that the account will be turned over to a professional collection agency if unpaid 14 days after the date of the notice, that the service may be terminated, that the bottom portion of the notice should be included with the payment, and that the customer authorizes TDS Telecom (the ETC) to apply the customer's payment to the unpaid charges. Commission Staff pointed out to TDSL D that Chapter 290, Section 12(l) requires payments that are insufficient to pay the account balance in full be applied first to the basic service portion of the bill, then any remaining payment can be applied to the non-basic balance, and that its message may conflict with this section.

Commission Staff and TDSL D had several conversations concerning this issue, and as a result of these conversations, TDSL D revised the message. The revision states, "In order for you to keep your toll and/or other non-local services, all amounts due for local, toll and other non-local services must be paid in full. The amount due above does not include any outstanding local balances." This proposed language makes clear the conditions that the customer must meet to prevent disconnection of toll and other optional services and does not conflict with Section 12(l).

We therefore grant the exemption to TDSL D from Chapter 292, Section 13(A).

Accordingly, it is

O R D E R E D

That the Request for Waiver of Chapter 292, Section 13(A) submitted by TDS Long Distance Corporation (TDSLDC) is granted under the condition that TDSLDC provide written notice of its intent to terminate long distance and other non-local service containing the message stated in the above paragraph at least fourteen days in advance of the termination or suspension date stated on the notice.

Dated at Augusta, Maine this 12th day of June, 2003.

**BY ORDER OF THE DIRECTOR
OF THE CONSUMER ASSISTANCE DIVISION**

Derek D. Davidson

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.